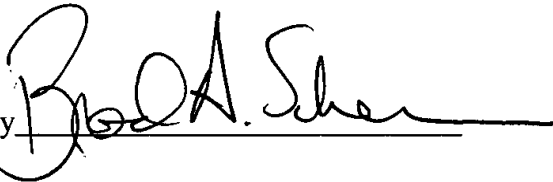


REMARKS

In response to the Restriction Requirement under 35 U.S.C. §121, the Applicants hereby elect the Invention Grouping I including claims 1-44.

A requirement as to an election of a species was also set forth in the Office Action, asserting that the pending claims are directed to five (5) patentably distinct species of the claimed invention. The Applicant hereby elects species Grouping D (Figures 5-13) for prosecution on the merits. The Applicant submits that Figures 12 and 13 illustrate an actuator mechanism for use with the surgical instrument illustrated in Figure 5, as described in the Brief Description of the Drawings, and should therefore be included in species Grouping D. The Applicant also submits that claims 1-5, 9-11 and 13-25 are readable on the elected species Grouping D. Reconsideration of the present application in view of the foregoing elections is respectfully requested.

Respectfully submitted,

By 

Brad A. Schepers, Reg. No. 45,431
Woodard, Emhardt, Moriarty,
McNett & Henry LLP
Bank One Center Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456